

**Congress of the United States**  
**Washington, DC 20515**

August 06, 2021

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Michal Freedhoff  
Assistant Administrator  
U.S. Environmental Protection Agency  
Office of Chemical Safety and Pollution  
Prevention  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Regan and Acting Administrator Freedhoff:

In the 116<sup>th</sup> Congress, 136 members across both chambers sponsored legislation to ban all uses of chlorpyrifos.<sup>1, 2</sup> EPA is now under an August 20<sup>th</sup> court-ordered deadline to finalize its plan to get the neurotoxic pesticide out of our food, which we urge you to do completely and without further delay.<sup>3</sup>

As you know, chlorpyrifos belongs to a nerve-agent class of pesticides called organophosphates and is associated with neurodevelopmental harms in children. Even low levels of exposure to chlorpyrifos during a parent's pregnancy have been associated with lower birth weights, attention deficit disorders, autism spectrum disorder, reduced IQ, and loss of working memory.<sup>4</sup> Yet, chlorpyrifos is still widely used in the agricultural sector, additionally exposing farmworkers to this dangerous pesticide at levels that are unsafe even with the most protective equipment.

On April 29<sup>th</sup>, 2021, the U.S. Court of Appeals for the 9<sup>th</sup> Circuit rejected EPA's legal arguments in the *LULAC v. Regan* case for delaying taking regulatory action on chlorpyrifos, noting that "EPA's egregious delay exposed a generation of American children to unsafe levels of chlorpyrifos".<sup>5</sup> In the decision, the Ninth Circuit required that by August 20<sup>th</sup>, 2021, EPA must revoke all food tolerances of chlorpyrifos or otherwise prove that any allowed tolerances are safe.

The science is clear: no amount of exposure to chlorpyrifos is safe for our children. As the Court pointed out, the EPA and its Scientific Advisory Panel have agreed for nearly a decade that the current tolerances are not safe and that "there is not a reasonable certainty of no harm." These

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<sup>1</sup> Ban Toxic Pesticides Act of 2019, H.R. 230, 116<sup>th</sup> Congress (2019)

<sup>2</sup> Protect Children, Farmers and Farmworkers from Nerve Agent Pesticides Act of 2019, S. 921, 116<sup>th</sup> Congress, 2019.

<sup>3</sup> *LULAC v. Regan*, No. 19-71979 (9th Cir. 2020) available at <https://cdn.ca9.uscourts.gov/datastore/opinions/2021/04/29/19-71979.pdf>

<sup>4</sup> Rauh, V., S. Arunajadai, M. Horton, F. Perera, L. Hoepner, D.B. Barr, and R. Whyatt. 2011. 7-Year neurodevelopmental scores and prenatal exposure to chlorpyrifos, a common agricultural pesticide. *Environmental Health Perspectives* doi: 10.1289/ehp.1003160

<sup>5</sup> *LULAC v. Regan*, No. 19-71979 (9th Cir. 2020)

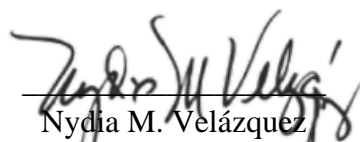
findings further affirm the research from over a decade of independent studies about the harms of chlorpyrifos to children.<sup>6</sup>

With the court-imposed deadline fast approaching, we urge you to reverse course of the Trump administration's indefensible proposal to allow many food uses of chlorpyrifos to remain on the market and follow the science to prioritize the health and safety of children and farmworkers across the country.


Administrator Regan, at your confirmation hearing, you stated that you would be driven by science and driven by the rule of law when it came to regulating chlorpyrifos. In the case of chlorpyrifos, the law and science are clear. As such, we strongly urge the EPA to revoke all food tolerances of chlorpyrifos so that another generation of children are not exposed to this damaging neurotoxic chemical.

Thank you for your consideration and we look forward to your response.

Sincerely,



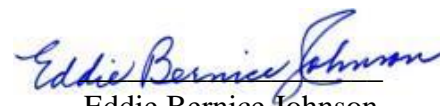
Nydia M. Velázquez  
Member of Congress




Richard Blumenthal  
United States Senator




Chellie Pingree  
Member of Congress



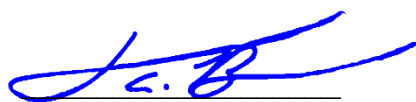
Eddie Bernice Johnson  
Member of Congress



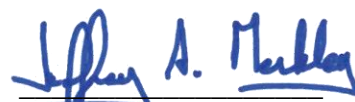
Raul Grijalva  
Member of Congress



Kirsten Gillibrand  
United States Senator



Cory A. Booker  
United States Senator



Jeffrey A. Merkley  
United States Senator

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<sup>6</sup> Rauh, Virginia A et al. "Impact of prenatal chlorpyrifos exposure on neurodevelopment in the first 3 years of life among inner-city children." *Pediatrics* vol. 118,6 (2006): e1845-59. doi:10.1542/peds.2006-0338